

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF OKLAHOMA**

REGINALD NICHOLSON,	)	
	)	
Petitioner,	)	
	)	
vs.	)	Case No. CIV-08-0227-F
	)	
JUSTIN JONES,	)	
	)	
Respondent.	)	

**ORDER**

This action seeks habeas relief under 28 U.S.C. § 2254. Petitioner appears *pro se* and his pleadings are liberally construed.

Magistrate Judge Bana Roberts entered her Report and Recommendation in this matter on March 8, 2010, recommending that the petition be denied. (Doc. no. 24.) Petitioner objected to the magistrate judge's recommended findings and conclusions. (Doc. no. 27.) Accordingly, the court reviews the matter *de novo*. Petitioner has also filed a motion to expand the record. (Doc. no. 28.)


The documents which petitioner seeks to have included in the record pertain to petitioner's Fourth Amendment claim. No showing has been made that any of those documents would change the result on that claim. *See, Stone v. Powell*, 428 U.S. 465, 494 (1976) (where the state has provided an opportunity for full and fair litigation of Fourth Amendment claim, state prisoner may not be granted federal habeas relief on ground that evidence obtained in an unconstitutional search or seizure was introduced at his trial). Accordingly, petitioner's motion to expand the record will be denied.

After careful study of petitioner's objections, the Report, the record, the relevant legal authorities, and petitioner's motion to expand the record, the court finds and concludes that it concurs with the magistrate judge's determinations. The court

further finds that no purpose would be served by repeating the magistrate judge's determinations or by presenting any additional analysis here.

The Report and Recommendation of Magistrate Judge Roberts is **ACCEPTED**, **ADOPTED** and **AFFIRMED** in its entirety. Accordingly, the Petition for a Writ of Habeas Corpus is **DENIED**. The motion to expand the record is also **DENIED**.

Dated this 25<sup>th</sup> day of May, 2010.

  
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STEPHEN P. FRIOT  
UNITED STATES DISTRICT JUDGE

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